



**CITY OF COLUMBUS
BOARD OF ZONING APPEALS
HEARING OFFICER
(October 11, 2011 Meeting)**

STAFF REPORT

Docket No. / Project Title: C/DS-11-17 (Scotty's Burger Joint)
Staff: Derek Naber
Hearing Officer: Thom Weintraut Jr.

Applicant: Columbus Redevelopment Commission
Property Size: 41,817 square feet
Current Zoning: CD (Commercial: Downtown Center)
Location: 310 Washington Street, in the City of Columbus

Background Summary:

The applicant has indicated that the proposed variance from Zoning Ordinance Section 10 (Table 10.1) is for the purpose of allowing 33 square feet of window signage, 13 square feet more than permitted by Zoning Ordinance Section 10 (Table 10.1) for a property in the CD (Downtown Commercial) zoning district, in lieu of a wall sign.

Preliminary Hearing Officer Decision:

Approval, all the criteria have been met.

The approval shall be subject to the following condition: The window sign shall be considered a wall sign for the purpose of calculating signage allowed by the Zoning Ordinance.

Zoning Ordinance Considerations:

District Intent: The intent of the CD (Commercial: Downtown Center) zoning district is as follows: To serve as the primary commercial and activity center, where a complete range of goods, services, and entertainment is located. This district is intended to serve as a focal point, and to be the most intensely developed area in the community. This district is further intended to support the continued use of historic structures, to ensure a pedestrian-focused character, and to enable continued investment.

Development Standards: Zoning Ordinance Section 10 (Table 10.1) limits the maximum total area for window signs per use for a property in the downtown zoning district to 15% of the window area or 20 square feet, whichever is less.

Current Property Information:	
Land Use:	Restaurant
Site Features:	The site features The Commons building and sidewalks.

Flood Hazards:	No flood hazards exist at this location.
Vehicle Access:	The property does not have any access points onto any public right-of-way.

Surrounding Zoning and Land Use:		
	Zoning:	Land Use:
North:	CD (Commercial: Downtown Center)	Retail / Office
South:	CD (Commercial: Downtown Center)	Government Office (County Courthouse)
East:	CD (Commercial: Downtown Center)	Retail / Office
West:	CD (Commercial: Downtown Center)	Office

Planning Consideration(s):

The following general site considerations, planning concepts, and other facts should be considered in the review of this application:

1. The Columbus Redevelopment Commission is requesting signage on behalf of Scotty's Burger Joint. The sign proposal is requesting one window sign which is 33.41 square feet. The sign which identifies Scotty's Burger Joint will be displayed from the interior of the restaurant (behind the glass). The total sign square footage exceeds the Zoning Ordinance by over 13 square feet.
2. According to Zoning Ordinance Section 10 (Table 10.1), window signage for a property in the downtown zoning district is limited to a maximum total area per use of 15% of the window area or 20 square feet whichever is less. The window area for Scotty's Burger Joint is 964.5 square feet (12.17 feet by 79.25 feet), which limits the amount of window signage to 20 square feet. There is no limit to the number of window signs.
3. The Zoning Ordinance would additionally permit Scotty's Burger Joint who has one street frontage, one wall sign, displayed on the exterior of the building, whose square footage could not exceed 77 square feet. No wall signs are being requested.
4. Scotty's Burger Joint will also feature Hubbard & Cravens Coffee and Tea. The sign for this service will be displayed on the interior of the building.
5. The Commons is designed with a transparent glass façade, which allows visitors in the right-of-way and other properties to see what is occurring in the building.

Provisional Findings of Fact/Decision Criteria:

The Board of Zoning Appeals Hearing Officer may approve or deny variances from the development standards of the City of Columbus Zoning Ordinance. The Hearing Officer may impose reasonable conditions as part of an approval. A variance from the development standards may only be approved upon a determination in writing that:

1. **The approval will not be injurious to the public health, safety, morals, and general welfare of the community.**

Provisional Findings: The window sign will be erected in a secure manner and is not located in any restricted location or public right-of-way. *This criterion has been met.*

2. **The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.**

Provisional Findings: The property would be permitted one wall sign with a square footage that exceeds the window signage request. The window sign request fits within the general square footage of wall signage within the surrounding downtown area. *This criterion has been met.*

3. **The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain.**

Provisional Findings: The glass façade allows the interior of the building and sign to be visible to the surrounding area. The design of the building and the context of the downtown are preventing the approval of a window sign which is less than the permitted wall sign square footage. *This criterion has been met.*

Hearing Officer Options:

In reviewing a request for development standards variance the Hearing Officer may (1) approve the petition as proposed, (2) approve the petition with conditions, (3) continue the petition to a future meeting of the Hearing Officer, (4) deny the petition (with or without prejudice), or (5) forward the petition to the full Board of Zoning Appeals.